

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

EMG TECHNOLOGY, LLC,

Plaintiff,

v.

APPLE INC.,
AMERICAN AIRLINES, INC.,
BLOOMBERG, L.P.,
CONTINENTAL AIRLINES, INC.,
UNITED PARCEL SERVICE, INC.,
DELL, INC.,

Defendants.

Case No. 6:08-cv-447-LED

JURY TRIAL DEMANDED

**JOINT MOTION OF PLAINTIFF EMG TECHNOLOGY, LLC AND DEFENDANT
UNITED PARCEL SERVICE, INC. FOR DISMISSAL WITH PREJUDICE**

Pursuant to Federal Rule of Civil Procedure 41(a)(2) and a confidential settlement agreement between Plaintiff EMG Technology, LLC (“EMG”) and Defendant United Parcel Service, Inc. (“UPS”), EMG and UPS hereby jointly move the Court to dismiss with prejudice all claims and counterclaims between them in this case. EMG and UPS agree that each party shall bear their own fees and expenses.

DATED: October 13, 2009

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Respectfully submitted,

By: /s/ Charles Ainsworth

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record, who are deemed to have consented to electronic service, are being served this 13th day of October, 2009, with a copy of this document via the Court's CM/ECF system under Local Rule CV-5(a)(3).

/s/ Charles Ainsworth

Charles Ainsworth

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